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In Re: Methyl Tertiary Butyl Ether : Master File C.A. No.  
("MTBE") Products Liability : 00 Civ. 1898 (SAS)  
Litigation : MDL 1358  
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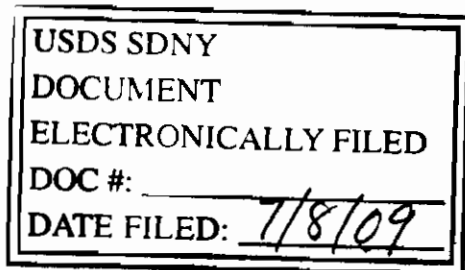
JAMES C. FRANCIS IV  
UNITED STATES MAGISTRATE JUDGE

The Court having reviewed the objections to designated portions of the deposition of Arthur J. Ashendorff, Volume 2, the objections are determined as follows:

<u>Tab</u>	<u>Pages/Lines</u>	<u>Ruling</u>
1	265:03 - 266:08	Overruled; any ambiguity is clarified in subsequent questions and answers.
2	277:14 - 277:20	Sustained; the question objected to was not answered.
3	278:20 - 278:24	Sustained; the question objected to was not answered.
4	284:16 - 286:17	Sustained as to 284:16-284:18 and and 285:05-285:11; irrelevant. Otherwise overruled; the nature of the witness' employment with the City is appropriate background.
5	287:05 - 287:09	Overruled; subsequent testimony indicates that the witness had sufficient personal knowledge.
6	288:09 - 290:10	Overruled; the testimony indicates that the witness had personal knowledge even if his recollection is not complete.
7	291:11 - 292:12	Overruled; the witness had personal knowledge even if his recollection is not complete.
8	349:01 - 349:03	Overruled; the witness indicates the basis for his personal knowledge.

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<u>Tab</u>	<u>Pages/Lines</u>	<u>Ruling</u>
9	351:01 - 355:10	Overruled; the witness' knowledge at specific points in time concerning the properties of MTBE is relevant.
10	361:17 - 362:07	Overruled; the City's commentary on the AWWA report is relevant (and generally has not been objected to); the portion complained of is not materially different.
11	364:14 - 365:11	Sustained; the witness lacks personal knowledge of the thought process of others.

SO ORDERED.

  
 JAMES C. FRANCIS IV  
 UNITED STATES MAGISTRATE JUDGE

Dated: New York, New York  
 July 8, 2009

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